HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 8405 of 2007

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Between:

S. Sudarshan Reddy

…Petitioner

And

The Commissioner and Director of School Education,
Hyderabad & another

….Respondents.

:: O R D E R ::

Counsel for the petitioner : Shri M. Srinivasa Rao

24.04.2007

Per G.S. SINGHVI, CJ

This petition is directed against order dated 03.07.2006 passed by the Andhra Pradesh Administrative Tribunal (for short, 'the Tribunal') in C.A.No.978 of 2005 in O.A.No.7169 of 2005 with V.M.A.No.704 of 2006.

It is borne out from the record that the petitioner filed O.A. No.7169 of 2005 questioning his transfer from Government Primary School, Malbowli to Upper Primary School, Kistapuram, Munugonde Mandal, Nalgonda District. By an order dated 08.11.2005, the Tribunal stayed the transfer of the petitioner. After some time, he filed C.A.No.978 of 2005 with the complaint that despite the stay order, he was not being allowed to join duty at Government Primary School at Malbowli.

During the pendency of the contempt application, the respondents filed V.M.A.No.704 of 2006 for vacating the interim order. Similar applications were filed in other cases instituted by Teachers who had been transferred from one place to the other. The Tribunal vacated the interim orders passed in other cases and, therefore, the stay granted in favour of the petitioner was also vacated.

At the commencement of hearing, Shri M. Srinivasa Rao, learned counsel for the petitioner made a request that his client may be permitted to withdraw the writ petition.

The request of the learned counsel is accepted and the writ petition is dismissed as withdrawn.

While dismissing the writ petition, we deem it proper to take cognizance of the fact that even though the interim order passed by the Tribunal was vacated on 3-7-2006, the petitioner has not joined the transferred place and direct that if he fails to carry out the order of transfer within 48 hours, the respondents shall be obliged to institute a regular departmental enquiry against him. This direction is being given because we have come across large number of cases in which the Teachers do not carry out the orders of transfer for months together and, on that account, the student community suffers incalculable harm. We expect that the concerned officers of the government will take cognizance of the law laid down by the Supreme Court in **Gujarat Electricity Board v. Atmaram Sungomal Poshani**[1] and take steps to inculcate a sense of discipline amongst the employees.

A copy of this order be sent to Chief Secretary, Government of Andhra Pradesh so that he may issue necessary instructions to all the heads of departments/heads of offices.

As a sequel to dismissal of the writ petition as withdrawn, W.P.M.P.No.10784 of 2007 filed by the petitioner

for interim relief is disposed of as infructuous.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

24.04.2007

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[1] AIR 1989 SC 1433